

UNITED STATES DISTRICT COURT

for the Southern District of New York

JUDGE SULLIVAN

Shirley Shepard and Andrea Shepard,

Plaintiff )

v. )

The Associated Press, ESPN, Inc., Kurtis  
Productions, Ltd, Pictopia.com, Inc., Philly  
Online, Inc. and Photobucket.Com, Inc.,  
Defendants. )

10-civ-7551

Civil Action No:

Summons in a Civil Action

TO: Pictopia.com, Inc.  
1300 66<sup>th</sup> Street  
Emeryville CA 94608

A lawsuit has been filed against you.

Within 21 days after service of this summons on you, (not counting the day you received it), or 60 days if you are the United States or a United States agency or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a) (2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Law Office of Charles C. DeStefano  
1082 Victory Boulevard  
Staten Island New York 10301

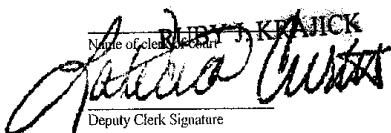
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

OCT 04 2010

Name of Clerk/Deputy Clerk

Deputy Clerk Signature

  
Deputy Clerk Signature

## AFFIDAVIT OF SERVICE

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

DOCUMENTS SERVED WITH INDEX # 10CIV7551 AND FILED ON OCTOBER 4, 2010  
ATTORNEY(S): CHARLES C. DESTEFANO , Charles Destefano

SHIRLEY SHEPARD AND ANDREA SHEPARD

Plaintiff

vs

THE ASSOCIATED PRESS, ET AL

Defendant

STATE OF CALIFORNIA COUNTY OF Alameda , SS.:

I, Anne Vode

being duly sworn deposes and says:

Deponent is not a party herein and is over 18 years of age. On 10/26/10 at 11:44 A.M. at 1300 66th STREET, EMERYVILLE CA 94608 deponent served the within

## SUMMONS IN A CIVIL ACTION AND COMPLAINT AND CIVIL COVER SHEET

on: PICTOPIA.COM, INC. , Defendant therein named.

INDIVIDUAL A  By personally delivering to and leaving with said \_\_\_\_\_ a true copy thereof, and that deponent knew the person so served to be the person mentioned and described in said SUMMONS IN A CIVIL ACTION AND COMPLAINT AND CIVIL COVER SHEETCORPORATION B  By delivering to and leaving with Mark Liebman at 1300 66th Street, Emeryville, CA and that deponent knew the person so served to be the President, Agent for Service of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the defendant in person:

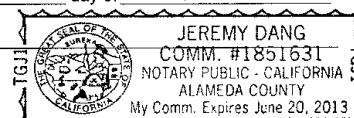
SUITABLE AGE PERSON C  By delivering a true copy thereof to and leaving with \_\_\_\_\_ a person of suitable age and discretion at \_\_\_\_\_ the said premises being the defendants/respondents [ ] dwelling place (usual place of abode) [ ] actual place of business within the State of CALIFORNIAAFFIXING TO DOOR D  By affixing a true copy thereof to the door of said premises, the same being the defendant's [ ] dwelling house (usual place of abode) [ ] actual place of business within the State of CALIFORNIAMAILING TO RESIDENCE (use with C or D) E1  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's residence at \_\_\_\_\_ and deposited said envelope in an official depository under the exclusive care and custody of the United States Post Office within the State of \_\_\_\_\_ on \_\_\_\_\_MAILING TO BUSINESS (use with C or D) E2  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business at \_\_\_\_\_ in an official depository under the exclusive care and custody of the United States Post Office within the State of \_\_\_\_\_ The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant and mailed on \_\_\_\_\_PREVIOUS ATTEMPTS (use with D) F  Deponent had previously attempted to serve the above named defendant/ respondent Day \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
Day \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
Day \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Deponent spoke with \_\_\_\_\_ who stated to deponent that the said defendant(s) lived at the aforementioned address, but did not know defendant's place of employment.

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Approximate age 40-45 Approximate weight 170lbs Approximate height 5'8" Sex Male  
Color of skin white Color of hair brown Other \_\_\_\_\_MILITARY SERVICE  Deponent asked the person spoken to whether the defendant/respondent was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he/she was not. Your deponent further says that deponent knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.NON-SERVICE H  After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served due to the following: [ ] Not known at address [ ] Address does not exist [ ] Evading [ ] Moved left no forwarding [ ] OtherWIT. FEES  \$ the authorizing traveling expenses and one day's witness fee was paid (tendered) to the recipient.

Sworn to before me on this 26th day of Oct, 2010


 Anne Vode, CA Private Investigator PI  
 Attny's File No. 012115  
 Invoice/Work Order # SP1012259

CORPORATE SERVICE BUREAU INC., 283 WASHINGTON AVENUE, ALBANY, NEW YORK 12206

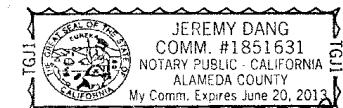
**Certificate of Conformity of Acknowledgment to Law of Sister State**

**State:** CALIFORNIA

**County:** ALAMEDA

I, Anne Vode, a person deemed qualified by the UNITED STATES DISTRICT Court of the State of NEW YORK, do hereby certify that the acknowledgment of proof upon the annexed document was taken in the manner prescribed by the laws of the State of NEW YORK and conforms to the laws thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this date of  
October 26, 2010



ANNE VODE  
CA Private Investigator, PI 12115

[Notary Seal]

10/26/2010

Jeremy Dang, Notary Public